IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 393 of 2005
Date of Decision: 9.3.2007

Rajinder Singh ...Petitioner

Versus

Surjit Kaur and another ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri R.K. Shukla, Advocate, for the petitioner.

Shri B.S. Saini, Advocate, for respondent No.1.

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order passed by the learned trial Court on 8.12.2004, whereby an application filed by the petitioner for revocation of the succession certificate granted on 23.4.1998 in favour of respondent No.1, was dismissed.

The dispute is regarding the estate of one Joginder Kaur, who died on 3.1.1998. The respondent herein was granted succession certificate on 23.4.1998 in respect of the estate of Joginder Kaur on the basis of natural succession, whereas the petitioner herein is claiming estate of Joginder Kaur on the basis of Will dated 1.1.1998, registered after the death of Joginder Kaur on 28.4.1998. The learned trial Court found that no sufficient reasons exist for revocation of the succession certificate.

In terms of the judgment of the Hon'ble Supreme Court in **Joginder Pal v. Indian Red Cross Society and others 2000(8) Supreme Court Cases 143**, the proceedings for grant of succession

certificate are summary in nature and therefore, the rights of the parties can be raised and adjudicated by the Civil Court in a properly constituted suit.

In view of the above, I do not find any patent illegality or irregularity in the impugned order passed by the learned trial Court on 8.12.2004, which may warrant interference by this Court in exercise of its revisional jurisdiction.

Hence, the present revision petition is dismissed.

However, it shall be open to the petitioner to get his rights, in respect of the estate of Joginder Kaur, adjudicated in a properly constituted regular suit.

09-03-2007 (HEMANT GUPTA)
ds JUDGE